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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/751,138

12/29/2000

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59643.00114

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06/25/2008

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EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

06/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on 02/19/2008.
2. Claims 1-23 are currently pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-19, and 23 are rejected under 35 U.S.C. 102 (b) as being anticipated by Scott Robert et al (U.S. Pat. No. 5,311,596).

As per claims 17-19, and 23 Scott discloses a re-authentication procedure between the modems of a public switched telephone network (or telecommunication network) data connection, which is between a computer facility and a user, the method comprising of: Receiving a set of challenges from a telecommunications networks, choosing one challenge from the set of challenges, determining a response and a key based on the chosen challenge, determining an authenticator based on the key corresponding to the chosen challenge, and transmitting said authenticator and a data unit to the telecommunications network, said data unit relating to the manner in which the

authenticator is formed, and notifying the telecommunications network of the chosen challenge (see., abstract, col 1-col 8).

5. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 17-19, and 23 are rejected under 35 U.S.C. 102 (e) as being anticipated by Fox et al (US PG Pub 20020069174).

As per claims 17-19, and 23 Fox discloses a method for facilitating electronic commerce transactions between trading partners on an unsecure network such as local area network or wide area, the method comprising of:

Receiving a set of challenges from a telecommunications networks (or local or wide area network), choosing one challenge from the set of challenges, determining a response and a key based on the chosen challenge, determining an authenticator based on the key corresponding to the chosen challenge, and transmitting said authenticator and a data unit to the telecommunications network, said data unit relating to the manner in which the authenticator is formed, and notifying the telecommunications network of the chosen challenge (see., abstract, page 1-page 8).

Allowable Subject Matter

7. Claims 1-16, 20, 21, and 22 are allowed over the prior art of record.

RESPONSE TO AMENDMENT

8. Applicant's arguments with respect to claims 17-19, 21 and 23 have been fully considered but they are not persuasive.

REMARKS

8. In response to Applicant's arguments filed on 02/19/2008, Applicant argues that the cited references (Scott and Fox) fail to disclose:

a. "one challenge from a set of challenges". However, the Examiner respectfully disagrees with this assertion since Scoot and Fox disclose a set of challenges (see., Scott, challenges 325 and 615, and Fox, page 1-8).

b. "transmitting the authenticator and a data unit to the telecommunications network". As noted above, it is the Examiner believes that Scoot and Fox disclose this limitation in col 1-col 8, and Fox, pages 1-8).

c. Applicant further argues that Scott and Fox fail to disclose the limitation of determining a response and a key based on the chosen challenge. As indicated above, it is the Examiner's principal position that Scott discloses this limitation col 1-col 8, and Fox, pages 1-8.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/
Primary Examiner, Art Unit 3621